



**Agenda Item Number:** \_\_\_\_\_

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

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**Meeting Date:** May 25, 2010

**Department:** Zoning, Building, Planning **Staff Contact:** Catherine VerEecke, Program Planner

**TITLE:** APPEAL: Denial of the Valle Del Sol Master Plan (CO-20100007/SPR-70004)

### **COUNTY PLANNING COMMISSION RECOMMENDATION:**

Denial

### **SUMMARY:**

At the April 7, 2010 public hearing, the County Planning Commission (CPC) voted (6-0, Commissioner Sanchez excused) to recommend denial of the request for approval of the Valle Del Sol Master Plan, which proposes a planned community for mixed-use residential, commercial and light industrial, including a multi-family housing, parks, trails, and open space. Valle del Sol is located south of the Albuquerque International Airport, north of Mesa del Sol, and east of I-25, within T9N, R3E, Section 16, and containing approximately 540 acres. The decision was based on four (4) findings (Attachment 1—Notice of Decision).

The current request for approval of the Valle del Sol Master Plan was submitted in August 2007. The request was first heard by the CPC in October 2007 when it was continued for one year for the applicant to address numerous staff and agency comments. The request was deferred again in October 2008 and in October 2009 at the applicant's agent's request.

Prior to the April 7, 2010 CPC hearing, the agent requested in writing that the case be deferred again to allow additional time to address the comments and submit a revised plan (pp 63-77). However, at the hearing, based on the time that had lapsed since the initial application and hearing with no acceptable materials submitted, the County Planning Commission elected to hear the case. After hearing testimony from County staff and the applicant's agent, as well as from representatives from the City of Albuquerque, Kirtland Airforce Base, and the Albuquerque International Sunport), the CPC concluded that the applicant had not made significant progress in addressing the concerns of staff, agencies, and jurisdictions since 2007 and had not demonstrated that the proposed plan would comply with policies for land use in the Albuquerque/Bernalillo County Comprehensive Plan. There also was opposition to the request (pp. 55-61, 78-79). The CPC therefore decided to recommend denial of the Master Plan.

The applicant's agent is now appealing the decision of the CPC to recommend denial of the Valle del Sol Master Plan with the argument that the CPC's decision not to grant the deferral was inappropriate and that the findings for denial of the Master Plan were adopted in error. The agent states that at the time of the hearing, the revised plan was close to completion, but that the CPC did not allow the additional time required for finalizing the new draft. The agent also states that several factors contributed to the delay in re-submitting the revised draft of the plan,

including the applicant's need to obtain evidence of water rights for the property and a traffic impact study. The agent therefore has submitted the new draft of the plan (Attachment 6) and is requesting that the Board of County Commissioners remand the case to the CPC for review of the revised draft.

**ATTACHMENTS:**

1. County Planning Commission Notice of Decision Letter (April 12, 2010).	3
2. County Planning Commission Information Packet	6
3. Appeal application	80
4. Resolution 116-86	89
5. Draft CPC Minutes, April 7, 2010 hearing	91
6. Revised Master Plan document, dated April 27, 2010 (Commissioners Only).	

**STAFF ANALYSIS SUMMARY**

**ZONING, BUILDING & PLANNING:**

Staff recommends denial of appeal.

*VERSION 5.0*